

STATEMENT OF DOUSE

(From Saturday's Advertiser.)

Alfred Douse was called to the witness stand in his own behalf yesterday afternoon by his counsel, W. A. Kinney, and gave evidence to show that the burning of Yamagata was accidental.

In the course of his direct examination it was made clear that negligence formed no part of the charge against Douse. Mr. Kinney was surprised at this and called it a valuable concession handed out upon a silver plate. Combining the questions and answers the evidence of Douse would take the following narrative form:

THE DEFENDANT'S STORY.

"I was born in England. Am 33 years old. Came to this country about 16 years ago with my parents. Lived with my parents in the United States and New Zealand. Father was a machinist, my occupation is the same.

"I started work here in the Honolulu Iron Works. Worked for the Inter-Island Co. and the Fire Department. Went to sea in the old Morning Star as engineer three years. In the Inter-Island steamers was sometimes oiler and sometimes engineer.

"Went to Maui about eight years ago. Was engineer at Haiku pumping plant about five and a half years, employed by Harry Baldwin. From there went to Puunene, my employer being H. P. Baldwin, I think two years ago last October. Worked first in the machine shop and then in the grinding department of the mill under J. N. S. Williams—James Crowe and myself, taking day and night shifts alternately every two weeks. The other engineer on August 5 last was Edmund Daniels, both of us working daytime because the mill was shut down. Harry Daniels and Frank Vasconcelles were assistants under me.

THE GASOLINE.

"I remember seeing a tin of gasoline on August 5, a five-gallon tin. I went down to the warehouse and got it, either the day before or the day before that—the 4th or the 3d. A Japanese went with me. We didn't keep gasoline in the mill permanently. Wanted it to thin down tar paint. I mixed the tar with it. The gasoline was then left with the Japanese who was to do the painting, the same man as went after it with me, have seen him here in court. I told him to take care of it and see that nobody washed his hands with it. Kerosene oil is used to clean the machinery. It is kept in the fireproof. Saw the five-gallon the same day in the juke pan. Think the question next came up about gasoline the next day."

(Defendant here told about his going to the mill next morning before breakfast, after which the event causing his trial soon occurred.)

YAMAGATA APPEARS.

"I came back from breakfast about 7:30 or 7:40. Came in from the boiler room. I smelled gasoline when I came in; paid attention to it because it was unusual; looked around to see where it was coming from. I saw a man going around with a tin and supposed it came from that.

"It was Yamagata. He was about 15 feet from the toolroom. He had a can in his hand with a spout on it—like the can on the table there. He was carrying it in his left hand. I drew his attention in some way and he turned round and walked towards me; we both met pretty close together. I asked him what he had there and he told me coal oil. I saw gasoline in the tin, about two or three inches of the stuff. He told me he was going to clean shafting.

ATTACKS YAMAGATA.

"I cuffed him on the back of the neck and then struck him behind with the flat side of my foot. (Illustrates blow and kick in the air.) I didn't take hold of him. He didn't move very far when kicked, not more than a couple of feet, probably not that much. He turned round and said to me: 'Mr. Boss, please excuse me.' or words very similar. I was satisfied then and told him 'all right' and told him to go off to his work.

"I called him back. After I had kicked the fellow I thought maybe he didn't understand why I had cuffed and kicked him. He was more than five or six feet away from me when I called him back.

FIRING THE GASOLINE.

"I told him to hold on the tin, or hold out the tin. He did so and I pulled out a box of matches and lit the tin. He held the tin by the handle. I held the match a few inches above the tin and it ignited and blazed up six or eight inches. I said: 'There you see' and I hardly got the words out of my mouth when the flames leaped the front of his jumper. The jumper I think was made of aluminite.

"When my eyes struck it, it was just the front of flame in the air between us and then it caught on his clothes. The first thing I did was to try to put it out. Put my arm around him, embraced him, held him close to me, smothered the flame with it. The next time I saw the tin was when someone

was looking at it some time afterwards.

DOUSE WAS SINGING.

"I didn't succeed in doing what I wanted, the flames seemed to have got around to the other side of him. The hair on both my arms was singed off, one of my fingers was slightly burned, enough to make a blister, and my trousers and overalls were singed.

"Looking about I saw a man with a hose fastened to a faucet in one of the columns. The man was about 20 feet away. I got the hose into my hand and turned around to put water on the man (Yamagata) whose clothes were on fire. He was lying on the dirt pile with four or five men throwing dirt on him.

"I turned the water on him for about five minutes until all the fire was out. Took good care that the fire was all out. Some men sang out 'pau' several times before I stopped. I stood the man up to see how badly he was burned and took him to the lavatory.

"Then I went to Mr. Williams' house. He told me to go to the roundhouse and get the locomotive out to send the man to the hospital. Went back to the lavatory and assisted in dressing Yamagata's wounds. Talked with him. He said he was sore. I examined the part where he said he was suffering.

VISIT AT HOSPITAL.

"I visited him in the hospital on Sunday. Can not remember all he said, as he didn't speak English very well. I told him I was sorry—

Mr. Humphreys objected to the evidence unless the entire conversation were repeated, and Judge De Bolt sustained the objection but asked the witness to tell what was said as near as he could remember.

"He told me he was too much sore," Douse proceeded but could not remember his own words. Pressed to try he said:

"Well, I went in there and asked him how he was, and he told me that he was too much sore. I told him I was very sorry for him. I can not say what answer he made to that. I tried to have a conversation with him, but it was hard to make him understand. (To the court)—He didn't say anything about the occurrence of the day before. I stayed probably about twenty minutes. Can not remember any more that was said."

There was some questioning about the firing of the man's clothes which brought out nothing new excepting that Douse said he had seen no sign of gasoline on the man's jumper before it took fire.

NEGLIGENCE EXCLUDED.

"What was your condition or frame of mind at the time you cuffed Yamagata?"

"This question by Mr. Kinney was objected to by Messrs. Humphreys and Fleming, and the argument that ensued brought out the fact that the indictment charged manslaughter by assault and did not mention negligence as an element of the offense. Mr. Humphreys was willing that the jury be instructed that they could not convict this man of manslaughter on the ground of negligence. The objection was sustained to the question and others of like purport.

NO ASSAULT INTENDED.

Mr. Kinney said he was glad to receive such a valuable concession from the prosecution, and one "handed out on a silver plate." He then asked:

"Had you any purpose of assaulting Yamagata in any way when you called him back?"

"Certainly not," Douse said emphatically. "It was to show him the nature of the stuff he had brought in. My object in telling him to hold out the tin was so it would not hurt him."

Defendant testified he had known something about the properties of gasoline for years. Asked if such knowledge was part of an engineer's equipment he answered:

"A man can be an engineer and not know nothing about gasoline."

He knew gasoline was inflammable and would ignite from contact of a flame or a bright spark. It would be dangerous to bring a light into a closed room where gasoline had been spilled in quantity. There would not be such danger in a well-ventilated room, such as the courtroom the other day when Mr. Kinney tried an experiment with gasoline.

NO PREVIOUS TROUBLE.

"I did not have any trouble with deceased prior to that time," the defendant answered further. "The tin was in his hand when he said, 'Mr. Boss, please excuse me.'"

Mr. Kinney had not concluded his direct examination of Douse when the court adjourned for the day.

Prior to the defendant's appearance on the stand the defense had called Jas. L. Coke, H. Miki, Maria C. Scott, a trained nurse, and Emma Sperting, the head nurse at Puunene hospital, C. H. Dickey, Chas. Crozier and J. Alex. Lyle. The three last witnesses were called to prove defendant's previous good character and reputation. Mr. Kinney had a list of about a score more on this point, but the prosecution admitted that they would testify uniformly to the same effect as the others.

An interesting statement made by Maria C. Scott was that she never heard Yamagata groan in hospital excepting when Douse was visiting him.

CALIFORNIA GIRLS AT VOLCANO HOUSE

Volcano House, Hawaii, June 14, 1906.

We are having most delightful weather now, and the "California girls" arrived all right and also a number of other passengers, and we are making every effort to make their short stay here as pleasant as possible. Here is a list of guests registered at the Volcano House from June 7 to 14:

Mr. A. Ritchey, Mrs. A. Ritchey, Mr. Wm. McKay, Mrs. J. A. Scott, Hilo; Miss Fernand, Erie, Pa.; Mrs. Perry Boston; Mr. Robert A. Shingle, Mr. Wm. H. McCoy, Mrs. Wm. H. McCoy, Mr. H. Cullen, Honolulu; Miss Fernand, Oakland, Cal.; Mr. C. B. Graham, Huntington, Wash.; Mr. R. S. Shan, Lincoln, Neb.; Mr. Wm. D. Barlow, Astoria, Meas.

Mr. and Mrs. E. F. Moore, San Bernardino, Cal.; Miss Grace E. Smith, Ontario, Cal.; Miss Maud B. Medicine, Nevada, Cal.; Miss Jean Johnson, San Bernardino, Cal.

CANNOT STOP THE RENEWALS OF LICENSES



JOHN MARTIN, AGENT OF THE ANTI-SALOON LEAGUE.

Editor Advertiser: I noticed lately an item in a daily paper to the effect that the Anti-Saloon League did not seem to be making any efforts to stop the renewal of liquor licenses on July 1st.

This is true, but it is also true that it would be ridiculous to make the attempt under our present liquor law. It reads:

"Section 7. * * * Nor shall any license be issued to any person against the written protest of a majority of the property holders or occupants within one hundred and fifty feet. * * * Whenever the consent required by this section shall have been obtained * * * no further or other consent shall be required for trafficking in liquor on such premises as long as such premises shall be continuously occupied for such traffic."

This means that licenses may be renewed ad libitum and no protest can stop them except a protest signed by a majority of the registered voters of the whole precinct. This is almost prohibitive, as it takes a long time to canvass the whole precinct and many voters have moved away and cannot be reached. In the meantime the law requires the license to be issued and the treasurer has no right to delay issuing it if the applicant has complied with the law.

The Anti-Saloon League has stopped the issuance of a number of licenses by their efforts, but it cannot stop renewals.

Yours truly,

C. H. DICKEY.

WAY CLEARED FOR PHILIPINO LABOR

(From Saturday's Advertiser.)

The rumor spread yesterday that the Planters' Association had received news from Albert Judd at Manila that the Philippine Commission has decided to favor the plan of recruiting Philippine field labor for Hawaii.

Inquiry was made last evening of Royal D. Mead, secretary of the Planters' Association, and he confirmed the report. "Yes," he said, "the Commission is favorable if the return of the laborers can be safeguarded."

"You are ready to do that?" was asked.

"Certainly," said Mr. Mead. "That would suit us admirably. The suggestion is made that a portion of the wages be paid to a representative of the Philippine government at Honolulu. This would provide passage-money home and perhaps something more for the laborers to take with them. It could all be arranged."

"Have you any plans as to the number of laborers wanted?"

"No," said the secretary, "that matter has not been taken up. The first thing to do was to get the assent of the Commission to the general plan."

"Are these laborers to be pure Filipinos?"

"Oh, yes; we are not after any of the tribal people or half-castes. What we want are pure Filipinos in families, people from approved districts and of known industry. There are such Filipinos. Dr. Victor S. Clark of the Labor Commission has made some of them known to us. It's good news, that from Mr. Judd."

TWO HAWAIIAN SONGS MAKE BIGGEST BITS

Letters received here from the Royal Hawaiian band indicate that the organization is having considerable success. The letterheads and envelopes used by the band are very gaudy affairs, and yet attractive. The envelope design comprises the words "Royal Hawaiian Band" in red and yellow. The flag of Hawaii, the coat-of-arms and the American eagle and shield are shown in several colors and at the bottom of the vignette are the words: "Hawaii, the Paradise of the Pacific."

W. S. Ellis writes from Piedmont Park, Alameda County, under date of June 4:

"Everything is a big hit so far. Jack (Ellis) is singing a great robust tenor. By the way 'Old Plantation' and 'Honolulu High' are the biggest hits of all the songs. Miss Brown, our lady vocalist (Lai Lehua) has done remarkably well considering the short time she has been singing."

The Oregon Journal says of the coming of the band to that city:

The famous Royal Hawaiian band from Honolulu, which made so profound a success last year at the exposition, is to come to Portland next Thursday for a series of concerts at the Heilig theater.

Arthur A. Latta, business manager of the band, arrived in Portland this morning from San Francisco and reported that the band was giving splendid concerts in the Greek theater, University of California, in aid of the relief funds for the sufferers from the recent disaster in San Francisco.

WIRELESS TO HONOLULU

W. C. Brill, general superintendent of the Occidental and Oriental Wireless Telegraph Company, announces that it has completed the erection of a 210-foot mast on Russian Hill, corner of Taylor and Vallejo streets. This mast is to be used as a wireless telegraph station in this city, and with the company's experts to be in communication with its various stations now completed and in course of construction all along the coast. It will also communicate with the station of the De Forest Wireless Telegraph Company in Colorado thus connecting this coast with the East by wireless. This company recently bought the rights of the American de Forest Company on this coast and Nevada and as far north as Alaska, taking in the Pacific Ocean, Hawaii, Guam, China, Japan and the Philippine Islands—Call.

ADVICE AND DIPLOMAS

(From Saturday's Advertiser.)

Progress Hall was crowded to the doors with the friends and pupils of the Honolulu High School last night at the commencement exercises, where a class of nine graduates received the diplomas, significant of the success they had won in their classrooms. The hall was tastefully decorated with malle wreaths and flowers, the class motto to "E Kupanā" being worked out in filigree on one side of the stage with the school banner on the other. The stage was draped with wreaths and green bamboo with yellow flowers were banded up as a background.

On the platform was the graduating class, "the sweet girl graduates," Elsie Faith Shelhamer, Josephine Cordelia Pratt, Adelaide Cecelia Francis and Mildred Estelle Grace, occupying the front of the stage with Henry A. White, William K. Tucker, Joseph B. Lightfoot, Robert F. Clarke and Alfred T. Kwai, of the graduating class, behind them.

After an invocation by the Rev. E. B. Turner and a well rendered chorus by the school, the salutatory address was given by Miss Josephine C. Pratt, who thanked the friends present for the interest they showed in the class and the school staff and educational authorities for the work they had done in fitting the graduates for the battle of life upon which they were entering. The address was well delivered and gave evidence of careful preparation.

Superintendent Babbitt, in a short address, urged loyalty to the Honolulu High School and to the ideals for which that institution strove to stand.

The part that Hawaii was taking in working out many of the greatest educational problems of the day was the theme of the address given by Bishop Restarick. The work that was being done here in the education of a growing population composed of a great number of races was proving that the differences between the Oriental and the Occidental mind were matters of social surroundings and not essential differences. The ideals of America were being readily assimilated by the pupils of every race, and in this way was Hawaii becoming Americanized. The Americanization of the Territory did not, nor should not, mean the filling of every position by a white man, for this would be discriminating against the home American citizen. If that was what Americanizing meant, the word was used in an altogether wrong sense.

In concluding his address, which will be printed in full in an early number of the Advertiser, the Bishop urged the graduates to help in carrying out the great work of the spreading of education and Christian American ideals throughout the world. The education with fellow pupils of mixed races had given them a broadening that was denied to most Americans.

Prof. M. M. Scott, in presenting the diplomas, added further advice along the lines spoken of by Bishop Restarick, after which choruses were sung by the school. The members of the class were deluged with floral offerings by their friends and fellow pupils who clustered round with congratulations at the conclusion of the program.

GUNBOATS SOLD AS JUNK.

MANILA, June 7. — The gunboats Alba, Mindanao and Manila, which were captured by Admiral Dewey when he destroyed the Spanish fleet, have been sold as junk for \$6606 at Olongapo. The boats participated in the battle of Manila bay.

WHAT IT WILL DO.

A woman buys a sewing machine or what it will do; not as an article of furniture. A man carries a watch to tell him the time; not as an investment of surplus capital. The same principle when one is ill. We want the medicine or the treatment which will relieve and cure. The friend in need must be a friend indeed, something, or somebody, with a reputation. There should be no guesswork in treating disease. People have the right to know what a medicine is, and what it will do, before they take it. It must have behind it an open record of benefit to others for the same diseases, a series of cures that proves its merit and inspires confidence. It is because it has such a record that

WAMPOLE'S PREPARATION is bought and used without hesitation or doubt. Its Good Name is the solid basis for the faith the people have in it; and a good name has to be earned by good deeds. It does what you have a right to expect it to do. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, combined with the Compound Syrup of Hypophosphites and the Extracts of Malt and Wild Cherry. In Scrofula, Anemia, Nervous and General Debility, Influenza and Wasting Complaints, it is to be thoroughly relied upon. Doctor J. L. Carrick says: "I have had remarkable success with it in the treatment of Consumption, Chronic Bronchitis, Catarrh and Scrofulous Affections. It is of special value in nervous prostration and depraved nutrition; it stimulates the appetite and the digestion, promotes assimilation, and enters directly into the circulation with the food. I consider it a marvelous success in medicine." Every dose effective. "You cannot be disappointed in it," held by chemists throughout the world.

DENIAL IS SWEEPING

Harry T. Mills has made an answer

to the information filed against him by the Attorney General to procure his disbarment. He denies every statement that implies either double dealing or fraud. From neither J. Kaelamakele nor anyone else did he ever receive a document purporting to be the signed written consent of property-holders to the issuance of a liquor license to C. M. Tai. Nor was he employed by Kaelamakele or anybody else to take the acknowledgments of the signers of such written consent, or to do anything whatever about the securing of such license from the Treasurer of the Territory.

He denies that any document purporting to be the written consent of property-owners at Kailua was originally made out by him, or by anybody under his advice or concurrence, in the name of C. M. Tai or for Tai's benefit.

He denies that Kaelamakele, with his knowledge or consent, ever presented a written consent for C. M. Tai to any person for signature. Also he denies that he delivered to Kaelamakele, or authorized the circulation by that person, of any such document, wherein the name of C. M. Tai was written, either in lead pencil or otherwise, as the name of the person applying for a license.

Then he denies that the document in question, after it had been signed, was altered by him, or by his authority, knowledge or consent, by the erasure of Tai's name and the substitution therefor of the name of Chang Sun. Also he denies that any written consent to the issuance of a license to Tai was delivered to him by Kaelamakele, or received by him, for the purpose that he as a notary public should take the acknowledgments of the signers.

Mills denies that on or about the 1st day of July, 1905, or at all, he erased from the document the name of C. M. Tai, and that he wrote or caused to be written therein the name of Chang Sun.

He admits the acknowledgment of signatures to the exhibit filed in court, and the truth of the allegations that the signers of the consent never consented that the name of the proposed license should be changed from C. M. Tai to Chang Sun, but he denies that the signers never acknowledged their signatures before him, alleging that they did so and that at the time when they did so the name of the proposed licensee in the document was Chang Sun and not C. M. Tai. Once more he denies the changing of the name either by him or anybody else with his authority, knowledge or consent.

The respondent admits that he was personally acquainted with seven of the signers whom he names and unacquainted with the others, and that neither Kaelamakele nor anyone else introduced the seven mentioned to him for the purpose of acknowledging their signatures. It was for the purpose of convenience and to avoid the necessity of unnecessarily extending his certificate of the acknowledgments, that he included in his certificate all of the signers of the document as having been introduced to him by Kaelamakele.

Mills declares he well knew that Tai did not desire and would not permit a liquor license to be issued in his name, but at the same time he knew that Tai was not named in any document purporting to be a consent to the issuance of a license to C. M. Tai. He denies that he knew at any time that the parties signing had not consented to the issuance of a license to Chang Sun, and alleges that they all acknowledged their signatures to Chang Sun's application. While admitting that Tai and Sun are different persons, he denies that he knew of the distinction of identity between them at the date when he certified to the acknowledgments.

Lastly, the respondent denies having committed any fraud or violation of law in the matter, and denies that he delivered Chang Sun's petition to the Treasurer. He says he sent it by mail from Kealahou postoffice, addressed to C. A. Olo, Honolulu, and acknowledges that a license of the fifth class for the sale of intoxicating liquors was thereafter issued to Chang Sun.

Deputy Attorney General Prosser having rested the prosecution yesterday morning, the Supreme Court, on motion of C. W. Ashford for respondent, continued the disbarment hearing until June 22 to enable the respondent to bring his witnesses from Kona.

DO NOT NEGLECT THE CHILDREN

At this season of the year the first sign of summer is a child's bowels should have immediate attention. The best thing that can be given is Chamberlain's Colic, Cholera and Diarrhoea Remedy followed by castor oil as directed with each bottle of the remedy. This remedy can always be depended upon, and when reduced with water and sweetened is pleasant to take. Sold by all druggists and grocers. Chamberlain, Smith & Co., Ltd., agents for Hawaii.